

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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| BRANDEN IMBER, | : | |
| Petitioner, | : | |
| v. | : | Case No. 3:14-cv-10 |
| ROD JOHNSON, Warden, Ross | : | JUDGE WALTER H. RICE |
| Correctional Institution, | : | |
| Respondent. | : | |

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #2);
DISMISSING PETITION FOR WRIT OF HABEAS CORPUS (DOC. #1)
WITH PREJUDICE; DENYING CERTIFICATE OF APPEALABILITY AND
LEAVE TO APPEAL *IN FORMA PAUPERIS*; JUDGMENT TO ENTER IN
FAVOR OF RESPONDENT AND AGAINST PETITIONER; TERMINATION
ENTRY

On January 13, 2014, United States Magistrate Judge Michael R. Merz issued a Report and Recommendations, Doc. #2, recommending that the Petition for Writ of Habeas Corpus, Doc. #1, be dismissed with prejudice, and that Petitioner be denied a certificate of appealability. Although Petitioner requested, and was granted, additional time to file Objections to the Report and Recommendations, he has failed to do so within the time allotted.

Based on the reasoning and citations of authority set forth by Magistrate Judge Merz, in his Report and Recommendations, as well as upon a thorough *de novo* review of this Court's file and the applicable law, this Court ADOPTS said

judicial filing in its entirety. The Petition for Writ of Habeas Corpus, Doc. #1, is DISMISSED WITH PREJUDICE.

Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be objectively frivolous, Petitioner is denied a certificate of appealability, and is denied leave to appeal *in forma pauperis*.

Judgment will be entered in favor of Respondent and against Petitioner.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: March 3, 2014



WALTER H. RICE
UNITED STATES DISTRICT JUDGE